

October 17, 2020

To: Greg Abbott and Jill Garcia, Co-Chairs  
Charter Commission – Government Structure Work Group

From: Casey Joe Carl, City Clerk

Copy: Barry Clegg, Chair, Minneapolis Charter Commission  
Caroline Bachun, Assistant City Attorney

Subject: Potential Timeline – Ballot Question on Charter Amendment

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In response to direction from the work group, here are some key factors to be considered in proposing a charter amendment by referendum to the qualified voters on potential changes to the structure of the city government as well as a potential timeline for the same to be submitted to eligible voters at the 2021 municipal general election.

1. What is the date of the municipal general election in 2021?

The municipal general election in 2021 will be Tuesday, November 2, 2021.

2. What is the statutory deadline to submit a ballot question proposing a charter amendment in 2021?

Pursuant to Minn. Stat., Section 410.12, subd. 1, the Charter Commission is empowered to submit a proposal to amend the City Charter at any time. The same section states: “Proposed charter amendments must be submitted at least 17 weeks before the general election.” That deadline in 2021 is Tuesday, July 6. However, as clarified in a legal analysis by the City Attorney’s Office, authored by Assistant City Attorney Caroline Bachun, dated July 21, 2020, this deadline applies to citizen petitions for charter amendments and not to proposed amendments offered by the Charter Commission. Thus, amendment proposals initiated by the Charter Commission would be subject to the statutory deadline found under Minn. Stat. 205.16, subd. 4, which provides: “At least 74 days before every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election.”

Since the municipal general election in 2021 is November 2, the 74-day advanced deadline dictated pursuant to Minn. Stat. 205.16, subd. 4, to submit a ballot question on amending the City Charter would be Friday, August 20, 2021.

3. What role does the City Council and Mayor play in submitting a ballot question that is initiated by the Charter Commission?

While the Charter Commission is vested with independent authority to submit a ballot question on a proposed charter amendment, the language of the ballot question is set by the City Council, as provided under Minn. Stat. 410.12, subd. 4. Thus, the timeline must account for the legislative processes of the City Council in taking action to determine the language of any ballot question to be submitted to voters, which must be approved by the Mayor or approved over the veto of the Mayor by a two-thirds vote of the City Council.

4. What is the required level of public participation required on charter amendments proposed by the Charter Commission?

Under Charter Commission Rule 5.1, a public hearing is required prior to the placement of a proposed amendment on the ballot, unless waived by a two-thirds of Commissioners. The timeline must, then, account for at least one public hearing by the full Charter Commission; however, it may be advisable to program additional time for more than one public hearing.

Given these factors, here is a potential timeline for the Charter Commission's Government Structure Work Group to consider in developing its work plan for a potential charter amendment proposing changes to the City Charter to address the relationships between and among the Mayor, City Council, and Staff.

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| By February 1, 2021: | Draft proposed amendment finalized and ready for formal action by Work Group  |
| By March 3, 2021:    | Formal action by Charter Commission to decide if a ballot question should be submitted to voters on any changes to government structure   |
| By April 7, 2021:    | Public hearing on any potential charter proposal(s)<br>[Charter Commission could schedule and conduct additional hearings in April]   |
| By May 5, 2021:      | Charter Commission votes on submitting ballot question(s) on any proposed changes to the City Charter, refers matter to City Council to finalize language of ballot question(s) |

If the above timeline is observed, then the City Council and Mayor would have until Friday, August 6, 2021, to take final action on approving language for any ballot question(s) to be submitted to voters at the municipal general election on Tuesday, November 2, 2021.